

CLOSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

United States of America

v.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed on or After November 1, 1987)

Cesar Molina-Fernandez

No. 07-10582-001M-SD

Citizen of Mexico

Juan Rocha (AFPD)
Attorney for Defendant

USM#: 72421-208

DOB: 1985

ICE#: A88 360 955

THE DEFENDANT ENTERED A PLEA OF guilty on 9/14/2007 to Count ONE of the Complaint.

ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S): violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count ONE of the Complaint.

IT IS THE JUDGMENT OF THE COURT THAT the defendant is hereby committed to the custody of the Bureau of Prisons for a term of FORTY-FIVE (45) DAYS on Count ONE, with credit for time served.

CRIMINAL MONETARY PENALTIES

The defendant shall pay to the Clerk the following total criminal monetary penalties:

SPECIAL ASSESSMENT: \$Remitted

FINE: \$

RESTITUTION: \$

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count ONE of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

IT IS FURTHER ORDERED that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons.
The defendant is remanded to the custody of the United States Marshal.

07-10582-001M-SD

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USA vs. Cesar Molina-Fernandez

Date of Imposition of Sentence: **Friday, September 14, 2007**

Date 9/17/07

JAY R. IRWIN, United States Magistrate Judge

RETURN

I have executed this Judgment as follows: _____

Defendant delivered on _____ to _____ at _____, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

United States Marshal
07-10582-001M-SD -

By: _____
Deputy Marshal

DATE: 9/14/07 CASE NUMBER: 07-10582-001M-SD

PLEA/SENTENCING MINUTES

USA vs. Cesar Molina-Fernandez

U.S. MAGISTRATE JUDGE: JAY R. IRWIN Judge #: 70BK

U.S. Attorney _____ INTERPRETER REQ'D Ricardo Gonzalez
LANGUAGE: Spanish

Attorney for Defendant Juan Rocha (AFPD)

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☐ RELEASED ☒ CUSTODY

DOA 9/13/2007 ☒ Complaint Filed ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ No Financial Afdvt taken ☐ Financial Afdvt sealed
☒ Initial Appearance

DETENTION HEARING: ☐ Held ☐ Cont'd ☐ Reset ☐ UA

Set for: before:

- ☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released (see order setting cond of rel) ☐ Bail set at \$ _____
☐ Defendant continued detained pending trial ☐ Flight Risk ☐ Danger

PLEA HEARING: ☒ Held ☐ Cont'd ☐ Reset

Set for: before:

- ☐ Consent to be tried by a Magistrate Judge signed ☐ Class A Misd ☐ Class B Misd ☐ Class C Misd
☐ Consent of Defendant ☐ Information filed _____ ☐ Complaint filed _____
☒ Defendant sworn and examined by the Court ☒ Plea of Guilty ☐ Not Guilty ☒ Entered to Counts ONE
☐ Defendant states true name to be _____. Further proceedings ORDERED in defendant's true name.
☒ Plea of Guilty entered as to Ct(s) ONE of the ☐ Information ☐ Indictment ☒ Complaint
☒ Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.
☐ Plea agreement: ☐ Lodged ☐ Filed ☐ Sealed
☐ Court does not accept defendant's plea of guilty because _____
☐ PSI ORDERED ☐ EXPEDITED ☒ PSI waived ☐ Time waived for passage of sentence
☐ Continued for sentence to ____ before _____
☐ To be dismissed upon entry of the judgment, Ct(s) ____
☒ ORDER vacate trial date/motion hearing/mtns moot
☐ ORDER defendant remain released pending sentence ☒ remanded to USM

SENTENCING:

- ☒ Defendant committed to Bureau of Prisons for a period of FORTY-FIVE (45) DAYS ☐ Probation/Supervised Release
☒ Special Assessment \$ REMITTED ☐ Fine \$ _____ ☐ Restitution \$ _____

Other: _____

RECORDED: CS

BY: Angela J. Tuohy, Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Cesar MOLINA-Fernandez

Citizen of Mexico

YOB: 1985

A88 360 955

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10582 m SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about September 13, 2007, near Andrade, California in the Southern District of California, Defendant Cesar MOLINA-Fernandez, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

September 14, 2007

Date

at

Signature of Complainant

Michael A. Ringler

Senior Patrol Agent

City and State

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Cesar MOLINA-Fernandez

Dependents: 3 MEX

IMMIGRATION HISTORY: The Defendant is an illegal alien and has been apprehended on 2 occasions.

CRIMINAL HISTORY: None

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was the driver of a load vehicle that had a total of six illegal aliens in the car. At 5:50 AM on September 13, 2007, Camera operators witnessed three ATVs making their way through Buttercup Valley towards the A7 Bridge near Andrade California. Upon reaching the bridge, operators witnessed several subjects get off the ATVs and run towards a vehicle that was waiting by the berm of the bridge. The subjects loaded into the vehicle and began to travel east on Interstate 8.

Yuma Sector Border Patrol Agents watched the vehicle drive past their position and initiated a vehicle stop for immigration purposes about two miles east of Ogilby Road. The driver, identified as the Defendant, and five other occupants were all identified as illegal aliens and taken into custody.

The Defendant freely admitted to being the driver of the vehicle. The subjects also admitted to paying between \$1000.00 and \$2,000.00 to be brought into the United States on the ATVs and taken to an awaiting car. The Defendant was then going to travel to San Bernardino, California to reside and seek unauthorized employment.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

The Defendant last entered the United States illegally without inspection near Andrade, California on September 13, 2007.

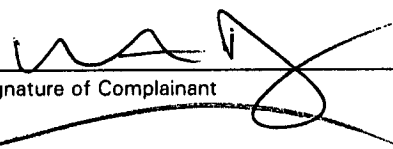
Charges: 8 USC§1325

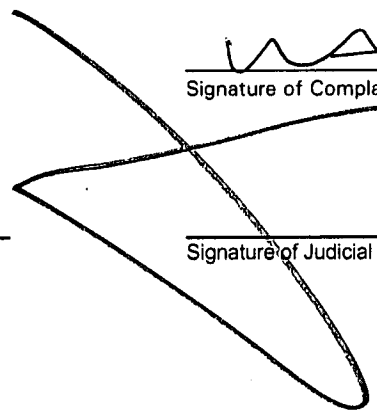
(Misdemeanor)

Sworn to before me and subscribed in my presence,

September 14, 2007

Date


Signature of Complainant


Signature of Judicial Officer